


Case No. 3:11-0615
Chief Judge Haynes

In accordance with the Memorandum filed herewith, the Respondent's motion to dismiss (Docket Entry No. 42) is **GRANTED** and this action is **DISMISSED with prejudice**. The Court **GRANTS** Petitioner a Certificate of Appealability under 28 U.S.C. §2253(c) on his claim under Miller v. Alabama, __ U. S. __, 132 S. Ct. 2455 (2012).

This is the Final Order in this action.

It is so **ORDERED.**

ENTERED this the 20 day of September, 2014



William J. Haynes, Jr.
Chief United States District Judge